

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2436
OFFERED BY MR. RAHALL

Strike all after the enacting clause and insert the
following:

1 **TITLE I—ALASKA NATURAL GAS**
2 **PIPELINE PROJECT**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Alaska Natural Gas
5 Pipeline Project Facilitation Act of 2001”.

6 **SEC. 102. SENSE OF CONGRESS.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) Over 35 trillion cubic feet of natural gas re-
9 serves have been discovered on Federal and State
10 lands currently open to oil and gas leasing on the
11 North Slope of Alaska.

12 (2) These gas supplies could make a significant
13 contribution to meeting the energy needs of the
14 United States, but the lack of a natural gas trans-
15 portation system has prevented these gas reserves
16 from reaching market in the lower 48 States.

17 (3) In 1976, the Congress enacted the Alaska
18 Natural Gas Transportation Act of 1976 (15 U.S.C.

1 719 et seq.) to authorize the construction of a nat-
2 ural gas transportation system to deliver Alaska nat-
3 ural gas through Canada to the United States.

4 (4) In 1977, the Congress approved by joint
5 resolution the Presidential decision on an Alaska
6 natural gas transportation system to be constructed
7 along the Alaska Highway route to the lower 48
8 States (Public Law 95–158; 15 U.S.C. 719f note).

9 (b) SENSE OF THE CONGRESS.—It is the sense of
10 the Congress that it is in the national interest to meet
11 the energy needs of the United States by constructing ex-
12 peditiously the Alaska natural gas transportation system
13 submitted by the President to the Congress on September
14 22, 1977, and approved by Public Law 95–158 (15 U.S.C.
15 719f note).

16 **SEC. 103. DIRECTIVES AND CONDITIONS.**

17 (a) IN GENERAL.—The Secretary of the Interior
18 shall, pursuant to the Alaska Natural Gas Transportation
19 Act of 1976 (15 U.S.C. 719 et seq.) and other applicable
20 law, coordinate with the North Slope oil and gas pro-
21 ducers, other Federal agencies, the State of Alaska, Cana-
22 dian authorities, and other interested parties in order to
23 facilitate construction of a natural gas pipeline following
24 the Alaska Highway from Fairbanks, Alaska, and east
25 through Canada to supply United States markets.

1 (b) RIGHT-OF-WAY CONDITIONS.—Any right-of-way
2 issued by the Secretary of the Interior to permit the con-
3 struction of a natural gas pipeline across public lands in
4 Alaska shall include the following conditions in addition
5 to requirements under existing law or policy:

6 (1) BUY AMERICAN.—The holder of the right-
7 of-way shall require that steel produced in the
8 United States is used in the construction of the nat-
9 ural gas pipeline on public lands under the jurisdic-
10 tion of the Secretary of the Interior.

11 (2) PROJECT LABOR AGREEMENT.—(A) The
12 holder of the right-of-way shall require that every
13 contractor or subcontractor on the natural gas pipe-
14 line construction project agree to negotiate or be-
15 come a party to a project labor agreement with one
16 or more labor organizations.

17 (B) For purposes of this paragraph, the term
18 “project labor agreement” means a prehire collective
19 bargaining agreement in the construction industry,
20 that—

21 (i) establishes the basic terms and condi-
22 tions of employment for the duration of the
23 project; and

24 (ii) is binding on all construction employ-
25 ers that operate on any project site on public

1 lands under the jurisdiction of the Secretary of
2 the Interior.

3 **TITLE II-WESTERN AREA POWER**
4 **ADMINISTRATION AMENDMENTS**

5 **SEC. 201. TRANSMISSION CONSTRAINTS**

6 Upon request of an entity or entities owning a trans-
7 mission facility, the Administrator of the Western Area
8 Power Administration (WAPA), in accordance with all ap-
9 plicable Federal law and in coordination with State au-
10 thorities, is authorized to take action to relieve such trans-
11 mission constraints, including the construction of new fa-
12 cilities, within the region served by WAPA. All costs of
13 transmission constraint relief shall be recovered on behalf
14 of the United States by WAPA from transmission fees im-
15 posed by WAPA on transmission of electric energy or from
16 the sale of ownership interest in such transmission facili-
17 ties. WAPA shall make the additional transmission capac-
18 ity available to all eligible entities on a just and reasonable
19 basis and not unduly discriminatory basis pursuant to an
20 open access tariff filed with, and approved by, the Federal
21 Energy Regulatory Commission.

1 **TITLE III—ENERGY ALTER-**
2 **NATIVES AND EFFICIENCY**
3 **REGARDING FEDERAL LANDS**

4 **SEC. 301. SOLAR AND WIND POWER.**

5 (a) SURVEY OF PUBLIC LANDS.—

6 (1) TIME AND PURPOSE.—Not later than one
7 year after the date of the enactment of this Act, the
8 Secretary of the Interior shall complete a survey of
9 the public lands (as defined in section 103(e) of the
10 Federal Land Policy and Management Act of 1976
11 (43 U.S.C. 1702(e)) to determine the potential of
12 these lands as sites for electrical energy generating
13 facilities using solar or wind power.

14 (2) CONSULTATION.—The Secretary of the In-
15 terior shall prepare the survey in consultation with
16 the Secretary of Energy.

17 (b) AVAILABILITY.—Beginning not later than two
18 years after the date of the enactment of this Act, the Sec-
19 retary of the Interior shall make available to the public,
20 using the authority provided under title V of the Federal
21 Land Policy and Management Act of 1976 (43 U.S.C.
22 1761 et seq.) and where the Secretary considers appro-
23 priate, those public lands found in the survey to have good
24 potential as sites for electrical energy generating facilities
25 using solar or wind power.

1 (c) TERMS AND CONDITIONS.—In the case of a right-
2 of-way provided under subsection (b), the terms and condi-
3 tions of the right-of-way shall be determined pursuant to
4 section 505 of the Federal Land Policy and Management
5 Act of 1976 (43 U.S.C. 1765).

6 (d) LANDS NOT SUBJECT TO SURVEY OR LEAS-
7 ING.—The following public lands shall be neither surveyed
8 under subsection (a) nor open to leasing under subsection
9 (b):

10 (1) Any public lands designated as a component
11 of the National Wild and Scenic Rivers System, the
12 National Trails System, or the National Wilderness
13 Preservation System or included within the bound-
14 aries of a National Conservation Area, National
15 Recreation Area, National Monument, or Area of
16 Critical Environmental Concern.

17 (2) Any public lands recommended for wilder-
18 ness designation pending a final determination by
19 the Congress of the status of such recommended
20 lands.

21 (3) Any public lands being managed as wilder-
22 ness study areas, identified by the Bureau of Land
23 Management as having wilderness characteristics, or
24 under study for inclusion in the National Wild and
25 Scenic River System pursuant to section 5(a) of the

1 Wild and Scenic River Act (16 U.S.C. 1276(a))
2 pending a final determination by the Congress of the
3 status of such lands.

4 **SEC. 302. GEOTHERMAL ENERGY RESOURCES.**

5 (a) RESOURCE ASSESSMENT.—Not later than one
6 year after the date of the enactment of this title, the Sec-
7 retary of the Interior shall publish a report containing an
8 assessment of all onshore geothermal energy resources
9 available within the United States.

10 (b) CONTENTS OF REPORT.—The report published
11 under subsection (a) shall contain—

12 (1) a detailed inventory describing the available
13 amount and characteristics of geothermal energy
14 sources,

15 (2) an assessment of the impediments, if any,
16 to efficient development of Federal geothermal re-
17 sources for electricity generation, including Federal
18 permits, royalty structure, and lease terms, and

19 (3) such other information as the Secretary of
20 the Interior believes would be useful in developing
21 such geothermal energy resources, including descrip-
22 tions of surrounding terrain, population and load
23 centers, nearby energy infrastructure, location of en-
24 ergy and water resources, and available estimates of
25 the costs needed to develop each resource.

1 (c) COORDINATION.—The Secretary shall coordinate
2 this effort with the Secretary of Energy, the Secretary of
3 Agriculture, and the renewable energy industry.

4 (d) TECHNOLOGY.—The resource assessment shall
5 use state of the art technology and modeling to identify
6 areas with prospects for producing energy from renewable
7 resources.

8 (e) LANDS NOT SUBJECT TO ASSESSMENT OR LEAS-
9 ING.—The following lands shall not be assessed under sub-
10 section (a), and are not open to leasing under the Geo-
11 thermal Steam Act of 1970 (30 U.S.C. 1001 et seq.):

12 (1) Lands in any unit of the National Park
13 System.

14 (2) Lands in any unit of the National Wildlife
15 Refuge System.

16 (3) Any public lands designated as a component
17 of the National Wild and Scenic Rivers System, the
18 National Trails System, or the National Wilderness
19 Preservation System or included within the bound-
20 aries of a National Conservation Area, National
21 Recreation Area, National Monument, or Area of
22 Critical Environmental Concern.

23 (4) Any public lands recommended for wilder-
24 ness designation pending a final determination by

1 the Congress of the status of such recommended
2 lands.

3 (5) Any public lands being managed as wilder-
4 ness study areas, identified by the Bureau of Land
5 Management as having wilderness characteristics, or
6 under study for inclusion in the National Wild and
7 Scenic River System pursuant to section 5(a) of the
8 Wild and Scenic River Act (16 U.S.C. 1276(a))
9 pending a final determination by the Congress of the
10 status of such lands.

11 **SEC. 303. ASSESSMENT OF OCEAN THERMAL RESOURCES.**

12 (a) RESOURCE ASSESSMENT.—Not later than 1 year
13 after the date of the enactment of this Act, the Secretary
14 of the Interior shall publish a report containing an assess-
15 ment of all ocean thermal resources available in the United
16 States, except for areas of the Outer Continental Shelf
17 with respect to which expenditure of funds for oil and gas
18 leasing is prohibited (including areas withdrawn under
19 section 602 of this Act).

20 (b) CONTENTS OF REPORT.—The report published
21 under subsection (a) shall contain—

22 (1) a detailed inventory describing the available
23 amount and characteristics of ocean thermal re-
24 sources; and

1 (2) such other information as the Secretary of
2 the Interior believes would be useful in developing
3 such ocean thermal resources, including descriptions
4 of surrounding terrain, population and load centers,
5 nearby energy infrastructure, location of energy and
6 water resources, and available estimates of the costs
7 needed to develop each resource.

8 (c) COORDINATION.—The Secretary shall coordinate
9 this effort with the Secretary of Energy and the renewable
10 energy industry.

11 (d) TECHNOLOGY.—The resource assessment shall
12 use state of the art technology and modeling to identify
13 areas with prospects for producing energy from renewable
14 resources.

15 **SEC. 304. ASSESSMENT OF DIRECTIONAL DRILLING USE ON**
16 **FEDERAL LANDS.**

17 (a) STUDY AND REPORT.—Not later than one year
18 after the date of the enactment of this Act, the Secretary
19 of the Interior shall publish an assessment of the use of
20 directional drilling by oil and gas producers on public
21 lands, as defined by section 103(e) of the Federal Land
22 Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

23 (b) CONTENTS.—The report shall quantify the appli-
24 cation of directional drilling as a means of mitigating envi-
25 ronmental impacts from oil and gas drilling, the types of

1 situations in which directional drilling is appropriate, and
2 the relative financial costs of directional drilling versus
3 other more traditional methods of oil and gas extraction.

4 **SEC. 305. ENHANCING ENERGY EFFICIENCY IN MANAGE-**
5 **MENT OF FEDERAL LANDS.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that Federal agencies should enhance the use of en-
8 ergy efficient technologies in the management of natural
9 resources.

10 (b) ENERGY EFFICIENT BUILDINGS.—To the extent
11 practicable, the Secretary of the Interior, the Secretary
12 of Commerce, and the Secretary of Agriculture shall seek
13 to incorporate energy efficient technologies in public and
14 administrative buildings associated with management of
15 the National Park System, National Wildlife Refuge Sys-
16 tem, National Forest System, National Marine Sanc-
17 tuaries System, and other public lands and resources man-
18 aged by the Secretaries.

19 (c) ENERGY EFFICIENT VEHICLES.—To the extent
20 practicable, the Secretary of the Interior, the Secretary
21 of Commerce, and the Secretary of Agriculture shall seek
22 to use energy efficient motor vehicles, including vehicles
23 equipped with biodiesel or hybrid engine technologies, in
24 the management of the National Park System, National
25 Wildlife Refuge System, National Forest System, National

1 Marine Sanctuaries System, and other public lands and
2 resources managed by the Secretaries.

3 **TITLE IV—ESTABLISHMENT OF**
4 **INDIAN ENERGY PROGRAMS**

5 **SEC. 401. SHORT TITLE.**

6 This title may be cited as the “Tribal Energy Self-
7 Sufficiency Act”.

8 **SEC. 402. DEFINITIONS.**

9 For purposes of this title:

10 (1) INDIAN LAND.—The term “Indian land”
11 means—

12 (A) any land within the limits of any In-
13 dian reservation, pueblo, or rancheria;

14 (B) any land not within the limits of any
15 Indian reservation, pueblo, or rancheria title to
16 which is either held in trust by the United
17 States for the benefit of any Indian tribe or in-
18 dividual or held by any Indian tribe or indi-
19 vidual subject to restriction by the United
20 States against alienation; and

21 (C) any land conveyed to any Regional
22 Corporation as defined in section 3(g) of the
23 Alaska Native Claims Settlement Act (43
24 U.S.C. 1602(g)).

1 (2) INDIAN TRIBE.—The term “Indian tribe”
2 means any Indian tribe, band, nation, or other orga-
3 nized group or community, including any Regional
4 Corporation as defined in section 3(g) of the Alaska
5 Native Claims Settlement Act (43 U.S.C. 1602(g)),
6 which is recognized as eligible for the special pro-
7 grams and services provided by the United States to
8 Indians because of their status as Indians.

9 **SEC. 403. FINANCING INDIAN ELECTRIC ENERGY**
10 **PROJECTS.**

11 (a) INDIAN REVOLVING LOAN FUND.—Section 108
12 of the Indian Financing Act of 1974 (25 U.S.C. 1468)
13 is amended by inserting before the period at the end the
14 following: “, and such sums as may be necessary to pro-
15 vide capital and to restore any impairment of capital for
16 the revolving loan fund for energy development, including
17 the development, improvement, operation, and mainte-
18 nance of electric generation, transmission, and distribu-
19 tion facilities.”.

20 (b) LOAN GUARANTY AND INSURANCE.—Section
21 217(b) of such Act (25 U.S.C. 1497(b)) is amended by
22 adding at the end the following new sentence: “The limita-
23 tion under the preceding sentence does not apply to loans
24 guaranteed or insured for the purpose of energy develop-
25 ment, including developing, improving, operating, and

1 maintaining electric generation, transmission, and dis-
2 tribution facilities.”.

3 (c) INTEREST SUBSIDIES AND ADMINISTRATIVE EX-
4 PENSES.—Section 302 of such Act (25 U.S.C. 1512) is
5 amended by inserting before the period at the end of the
6 first sentence the following: “, and such sums as may be
7 necessary to make interest payments on loans that are
8 guaranteed or insured for the purpose of energy develop-
9 ment, including developing, improving, operating, and
10 maintaining electric generation, transmission, and dis-
11 tribution facilities”.

12 (d) INDIAN BUSINESS GRANTS.—

13 (1) Section 402(a) of such Act (25 U.S.C.
14 1522(a)) is amended by adding at the end the fol-
15 lowing new sentence: “The limitation under the pre-
16 ceding sentence does not apply to grants made for
17 the purpose of energy development, including plan-
18 ning for, developing, improving, operating, and
19 maintaining electric generation, transmission, and
20 distribution facilities.”.

21 (2) Section 403 of such Act (25 U.S.C. 1523)
22 is amended by adding at the end the following new
23 sentence: “The limitation under the preceding sen-
24 tence does not apply to grants made for the purpose
25 of energy development, including planning for, devel-

1 oping, improving, operating, and maintaining electric
2 generation, transmission, and distribution facilities.”

3 (e) ADDITIONAL COMPENSATION TO CONTRACTORS
4 OF FEDERAL AGENCY.—Section 504 of such Act (25
5 U.S.C. 1544) is amended by inserting “providing direct
6 or indirect services to the contractor” after “to a subcon-
7 tractor or supplier”.

8 **SEC. 404. REVIEW OF CERTAIN PROVISIONS RELATED TO**
9 **OIL, GAS, AND COAL ON INDIAN LAND.**

10 (a) REVIEW OF TERMS OF TRIBAL DEVELOPMENT
11 AGREEMENTS.—The Secretary of the Interior shall con-
12 tinue, as trustee, to review the terms of agreements that
13 involve Indian land and resources that have been entered
14 into between Indian tribes and any other party. Such re-
15 views shall rely primarily upon an analysis of certified re-
16 ports by qualified representatives of the Indian tribe as
17 to the efficacy of the agreement and the financial benefit
18 to the Indian tribe. Such agreements shall be reviewed in
19 a timely manner and if agreements are not disapproved
20 within 60 days of receipt by the Secretary, they will be
21 deemed approved by the Secretary.

22 (b) FOGRMA REVIEW.—

23 (1) IN GENERAL.—The Secretary of the Inte-
24 rior shall complete a review of the royalty system for
25 oil and gas development on Indian land under the

1 provisions of the Federal Oil and Gas Royalty Man-
2 agement Act of 1982 (30 U.S.C. 1701 et seq.) and
3 leases and prospective leases of Indian land that re-
4 late to oil and gas.

5 (2) REPORT.—Not later than one year after the
6 date of the enactment of this Act, the Secretary
7 shall transmit to the Committee on Resources of the
8 House of Representatives and the Committee on In-
9 dian Affairs of the Senate a report containing the
10 following:

11 (A) The results of the review.

12 (B) Recommendations regarding the best
13 measures for increasing oil and gas revenues to
14 Indian tribes and members of Indian tribes and
15 insuring timely payment of those revenues.

16 (3) RECOMMENDATIONS.—The Secretary shall
17 to carry out any recommendations under paragraph
18 (2)(B) for which the Secretary already has authority
19 under Federal law.

20 (c) INDIAN MINERAL DEVELOPMENT ACT RE-
21 VIEW.—

22 (1) IN GENERAL.—The Secretary of the Inte-
23 rior shall conduct a review of the activities that have
24 been conducted by the governments of Indian tribes

1 under the authority of the Indian Mineral Develop-
2 ment Act of 1982 (25 U.S.C. 2101 et seq.).

3 (2) REPORT.—Not later than one year after the
4 date of the enactment of this Act, the Secretary
5 shall transmit to the Committee on Resources of the
6 House of Representatives and the Committee on In-
7 dian Affairs of the Senate a report containing the
8 following:

9 (A) The results of the review.

10 (B) Recommendations designed to help en-
11 sure that Indian tribes have the highest oppor-
12 tunity to develop their nonrenewable energy re-
13 sources.

14 (C) An analysis of the barriers to the de-
15 velopment of energy resources on Indian land
16 and the best means for removal of those bar-
17 riers.

18 (3) RECOMMENDATIONS.—The Secretary shall
19 carry out any recommendations under paragraph
20 (2)(B) for which the Secretary already has authority
21 under Federal law.

22 **SEC. 405. SITING.**

23 Except in Alaska, applicable Federal and tribal siting
24 requirements for projects related to energy development

1 on Indian land shall be the only governmental require-
2 ments that apply to such siting.

3 **SEC. 406. DAMS ANALYSIS.**

4 (a) IN GENERAL.—The Secretary of the Interior shall
5 complete an study of all dams and water impoundments
6 located on Indian land to determine their suitability for
7 siting for electrical power projects. The study also shall
8 include the following:

9 (1) An analysis of the impact on natural and
10 cultural resources, including fish and wildlife.

11 (2) An analysis of the impact on Indian tribal
12 treaty rights.

13 (3) Recommendations with respect to each dam
14 or impoundment to improve safety, reduce operation
15 and maintenance costs, lessen the risk of system
16 failure, and improve the overall efficiency of the
17 project.

18 (b) REPORT.—Not later than one year after the date
19 of the enactment of this Act, the Secretary shall transmit
20 to the Committee on Resources of the House of Represent-
21 atives and the Committee on Indian Affairs of the Senate
22 a report containing the study required by this section.

23 (c) RECOMMENDATIONS.—The Secretary shall carry
24 out any recommendations under subsection (b) for which
25 the Secretary already has authority under Federal law.

1 **SEC. 407. APPLICATION OF BUY INDIAN ACT TO ENERGY**
2 **PRODUCTS.**

3 Section 23 of the Act of June 25, 1910 (25 U.S.C.
4 47; commonly known as the “Buy Indian Act”) is amend-
5 ed by inserting after “printing,” the following: “energy
6 products, and energy by-products,”.

7 **SEC. 408. TRANSMISSION OF WIND POWER FROM INDIAN**
8 **LANDS.**

9 The Western Area Power Administration is author-
10 ized and directed to construct, and operate and maintain,
11 such electric power transmission facilities, and related fa-
12 cilities in accordance with all applicable Federal law, as
13 may be necessary to facilitate the development of wind
14 power generation on Indian lands located within the area
15 served by the Administration. The costs of such construc-
16 tion, operation, and maintenance shall be nonreimburs-
17 able.

18 **SEC. 409. EXTRACTION OF ENERGY RESOURCES.**

19 The Federal Government and an Indian tribe shall
20 have the sole taxing authority to tax operations engaged
21 in the extraction of energy resources owned by that Indian
22 tribe or by a member of that Indian tribe when such re-
23 sources are held in trust by the United States for the ben-
24 efit of the Indian or Indian tribe.

1 **TITLE V—INSULAR AREAS**
2 **ENERGY SECURITY**

3 **SEC. 501. INSULAR AREAS ENERGY SECURITY.**

4 Section 604 of the Act entitled “An Act to authorize
5 appropriations for certain insular areas of the United
6 States, and for other purposes”, approved December 24,
7 1980 (Public Law 96–597; 94 Stat. 3480–3481), is
8 amended—

9 (1) in subsection (a)(4) by striking the period
10 and inserting a semicolon;

11 (2) by adding at the end of subsection (a) the
12 following new paragraphs:

13 “(5) electric power transmission and distribu-
14 tion lines in insular areas are inadequate to with-
15 stand damage caused by the hurricanes and ty-
16 phoons which frequently occur in insular areas and
17 such damage often costs millions of dollars to repair;
18 and

19 “(6) the refinement of renewable energy tech-
20 nologies since the publication of the 1982 Territorial
21 Energy Assessment prepared pursuant to subsection
22 (c) reveals the need to reassess the state of energy
23 production, consumption, infrastructure, reliance on
24 imported energy, and indigenous sources in regard
25 to the insular areas.”;

1 (3) by amending subsection (e) to read as fol-
2 lows:

3 “(e)(1) The Secretary of the Interior, in consultation
4 with the Secretary of Energy and the chief executive offi-
5 cer of each insular area, shall update the plans required
6 under subsection (c) by—

7 “(A) updating the contents required by sub-
8 section (c);

9 “(B) drafting long-term energy plans for such
10 insular areas with the objective of reducing, to the
11 extent feasible, their reliance on energy imports by
12 the year 2010 and maximizing, to the extent fea-
13 sible, use of indigenous energy sources; and

14 “(C) drafting long-term energy transmission
15 line plans for such insular areas with the objective
16 that not later than eight years after completion of
17 the updated plans the maximum percentage feasible
18 of electric power transmission and distribution lines
19 in each insular area shall be protected from damage
20 caused by hurricanes and typhoons.

21 “(2) Not later than May 31, 2003, the Secretary of
22 the Interior shall submit to Congress the updated plans
23 for each insular area required by this subsection.”; and

24 (4) by amending subsection (g)(4) to read as
25 follows:

1 “(4) The Secretary of the Interior may grant fi-
2 nancial assistance to insular area governments or
3 private sector persons working in cooperation with
4 insular area governments to carry out projects to
5 protect electric power transmission and distribution
6 lines from damage caused by hurricanes and ty-
7 phoons.”.

8 **TITLE VI—COASTAL** 9 **PROTECTION**

10 **SEC. 601. SHORT TITLE.**

11 This title may be cited as the “Coastal Protection Act
12 of 2001”.

13 **SEC. 602. WITHDRAWAL OF OUTER CONTINENTAL SHELF** 14 **LEASING MORATORIA AREAS.**

15 Areas of the Outer Continental Shelf with respect to
16 which expenditure of funds for oil and natural gas
17 preleasing, leasing, and related activities is prohibited
18 under section sections 108 to 110 of Public Law 106–291
19 are withdrawn from oil and gas leasing under the Outer
20 Continental Shelf Lands Act (30 U.S.C. 1301 et seq.)
21 through June 30, 2012, consistent with the Presidential
22 Memorandum for the Secretary of the Interior dated June
23 12, 1998.

1 **SEC. 603. WITHDRAWAL OF NATIONAL MARINE SANC-**
2 **TUARIES AND NORTHWESTERN HAWAIIAN IS-**
3 **LANDS CORAL REEF ECOSYSTEM RESERVE.**

4 Areas of the Outer Continental Shelf designated as
5 national marine sanctuaries under the National Marine
6 Sanctuaries Act (16 U.S.C. 1431 et seq.) and the North-
7 western Hawaiian Islands Coral Reef Ecosystem Reserve
8 established by Executive Order 13196 of January 18,
9 2001, are withdrawn from oil and gas leasing under the
10 Outer Continental Shelf Lands Act (30 U.S.C. 181 et
11 seq.), consistent with the Presidential Memorandum for
12 the Secretary of the Interior dated June 12, 1998.

13 **TITLE VII—ROYALTY FAIRNESS**

14 **SEC. 701. SHORT TITLE.**

15 This Act may be cited as the “Federal Oil and Gas
16 Royalty Reform Act of 2001”.

17 **SEC. 702. SANCTIONS FOR VIOLATIONS RELATING TO FED-**
18 **ERAL OIL AND GAS ROYALTIES.**

19 Section 109 of the Federal Oil and Gas Royalty Man-
20 agement Act of 1982 (30 U.S.C. 1719) is amended to read
21 as follows:

22 “CIVIL PENALTIES

23 “SEC. 109. (a) ROYALTY VIOLATIONS.—(1) No per-
24 son shall—

25 “(A) after due notice of violation or after such
26 violation has been reported under paragraph (3)(A),

1 fail or refuse to comply with any requirement of any
2 mineral leasing law or any regulation, order, lease,
3 or permit under such a law;

4 “(B) fail or refuse to make any royalty pay-
5 ment in the amount or value required by any min-
6 eral leasing law or any regulation, order, or lease
7 under such a law;

8 “(C) fail or refuse to make any royalty payment
9 by the date required by any mineral leasing law or
10 any regulation, order, or lease under such a law; or

11 “(D) prepare, maintain, or submit any false, in-
12 accurate, or misleading report, notice, affidavit,
13 record, data, or other written information or filing
14 related to royalty payments that is required under
15 any mineral leasing law or regulation issued under
16 any mineral leasing law.

17 “(2) A person who violates paragraph (1) shall be
18 liable—

19 “(A) in the case of a violation of subparagraph
20 (B) or (C) of paragraph (1) for an amount equal to
21 3 times the royalty the person fails or refuses to
22 pay, plus interest on that trebled amount measured
23 from the first date the royalty payment was due;
24 and

1 “(B) in the case of any violation, for a civil
2 penalty of \$25,000 per violation for each day the
3 violation continues.

4 “(3) Paragraph (2) shall not apply to a violation of
5 paragraph (1) if the person who commits the violation,
6 within 30 days of the violation—

7 “(A) reports the violation to the Secretary or a
8 representative designated by the Secretary; and

9 “(B) corrects the violation.

10 “(b) LEASE ADMINISTRATION VIOLATIONS.—Any
11 person who—

12 “(1) fails to notify the Secretary of—

13 “(A) any designation by the person under
14 section 102(a); or

15 “(B) any other assignment of obligations
16 or responsibilities of the person under a lease;

17 “(2) fails or refuses to permit—

18 “(A) lawful entry;

19 “(B) inspection, including any inspection
20 authorized by section 108; or

21 “(C) audit, including any failure or refusal
22 to promptly tender requested documents;

23 “(3) fails or refuses to comply with subsection
24 102(b)(3) (relating to notification regarding begin-
25 ning or resumption of production); or

1 “(4) fails to correctly report and timely provide
2 operations or financial records necessary for the Sec-
3 retary or any authorized designee of the Secretary to
4 accomplish lease management responsibilities,
5 shall be liable for a penalty of up to \$10,000 per violation
6 for each day such violation continues.

7 “(c) THEFT.—Any person who—

8 “(1) knowingly or willfully takes or removes,
9 transports, uses or diverts any oil or gas from any
10 lease site without having valid legal authority to do
11 so; or

12 “(2) purchases, accepts, sells, transports, or
13 conveys to another, any oil or gas knowing or having
14 reason to know that such oil or gas was stolen or
15 unlawfully removed or diverted,

16 shall be liable for a penalty of up to \$25,000 per violation
17 for each day such violation continues without correction.

18 “(d) REPEATED VIOLATIONS.—(1)(A) If the Sec-
19 retary or an authorized designee of the Secretary deter-
20 mines that any person has repeatedly violated subsection
21 (a), (b), or (c), the Secretary or designee shall notify the
22 person of the violation and demand compliance.

23 “(B) A person notified pursuant to subparagraph (A)
24 shall correct the violations by not later than 30 calendar
25 days after the date of the notification.

1 “(C) Any person who fails to comply with a demand
2 under subparagraph (A) shall be liable to the United
3 States for a civil penalty equal to 3 times the amount of
4 any civil penalty that otherwise applies under subsection
5 (a), (b), or (c) to the violations to which the demand re-
6 lates.

7 “(2) In addition to the penalty provided in paragraph
8 (1)(C), if the Secretary determines that any person has
9 repeatedly violated subsection (a), (b), or (c) or any lease
10 management order, the Secretary may—

11 “(A) shut in and cease production of any oil or
12 gas lease held by the person;

13 “(B) prohibit the person—

14 “(i) from acquiring any additional oil or
15 gas lease, including by transfer or assignment;
16 and

17 “(ii) from being designated under section
18 102(a) to make payments due under any lease;

19 “(C) cancel or transfer any interest in an oil or
20 gas lease held by the person; and

21 “(D) collect from the person reimbursement, in-
22 cluding interest, of all costs of release, transfer, or
23 reclamation of lease sites canceled or transferred, in-
24 cluding costs of disposing of lease property, facili-
25 ties, and equipment.

1 “(e) ADMINISTRATIVE APPEAL.—(1) Any determina-
2 tion by the Secretary or a designee of the Secretary of
3 the amount of any royalties or civil penalties owed under
4 subsection (a), (b), (c), or (d) shall be final, unless within
5 15 days after notification by the Secretary or designee the
6 person liable for such amount files an administrative ap-
7 peal in accordance with regulations issued by the Sec-
8 retary.

9 “(2) If a person files an administrative appeal pursu-
10 ant to paragraph (1), the Secretary or designee shall make
11 a final determination in accordance with the regulations
12 referred to in paragraph (1).

13 “(f) DEDUCTION.—The amount of any penalty under
14 this section, as finally determined may be deducted from
15 any sums owing by the United States to the person
16 charged.

17 “(g) COMPROMISE AND REDUCTION.—On a case-by-
18 case basis the Secretary may compromise or reduce civil
19 penalties under this section.

20 “(h) NOTICE.—Notice under this subsection (a) shall
21 be by personal service by an authorized representative of
22 the Secretary or by registered mail. Any person may, in
23 the manner prescribed by the Secretary, designate a rep-
24 resentative to receive any notice under this subsection.

1 “(i) RECORD OF DETERMINATION.—In determining
2 the amount of such penalty, or whether it should be remit-
3 ted or reduced, and in what amount, the Secretary shall
4 state on the record the reasons for his determinations.

5 “(j) JUDICIAL REVIEW.—Any person who has re-
6 quested a hearing in accordance with subsection (e) within
7 the time the Secretary has prescribed for such a hearing
8 and who is aggrieved by a final order of the Secretary
9 under this section may seek review of such order in the
10 United States district court for the judicial district in
11 which the violation allegedly took place. Review by the dis-
12 trict court shall be only on the administrative record and
13 not de novo. Such an action shall be barred unless filed
14 within 90 days after the Secretary’s final order.

15 “(k) FAILURE TO PAY.—If any person fails to pay
16 an assessment of a civil penalty under this Act—

17 “(1) after the order making the assessment has
18 become a final order and if such person does not file
19 a petition for judicial review of the order in accord-
20 ance with subsection (j), or

21 “(2) after a court in an action brought under
22 subsection (j) has entered a final judgment in favor
23 of the Secretary,

24 the court shall have jurisdiction to award the amount as-
25 sessed plus interest from the date of the expiration of the

1 90-day period referred to in subsection (j). Judgment by
2 the court shall include an order to pay.

3 “(l) RELATIONSHIP TO MINERAL LEASING ACT.—No
4 person shall be liable for a civil penalty under subsection
5 (a) or (b) for failure to pay any rental for any lease auto-
6 matically terminated pursuant to section 31 of the Mineral
7 Leasing Act.

8 “(m) TOLLING OF STATUTES OF LIMITATION.—(1)
9 Any determination by the Secretary or a designee of the
10 Secretary that a person has violated subsection (a), (b)(2),
11 or (b)(4) shall toll any applicable statute of limitations for
12 all oil and gas leases held or operated by such person, until
13 the later of—

14 “(A) the date on which the person corrects the
15 violation and certifies that all violations of a like na-
16 ture have been corrected for all of the oil and gas
17 leases held or operated by such person; or

18 “(B) the date a final, nonappealable order has
19 been issued by the Secretary or a court of competent
20 jurisdiction.

21 “(2) A person determined by the Secretary or a des-
22 ignee of the Secretary to have violated subsection (a),
23 (b)(2), or (b)(4) shall maintain all records with respect
24 to the person’s oil and gas leases until the later of—

1 “(A) the date the Secretary releases the person
2 from the obligation to maintain such records; and

3 “(B) the expiration of the period during which
4 the records must be maintained under section
5 103(b).

6 “(n) STATE SHARING OF PENALTIES.—Amounts re-
7 ceived by the United States in an action brought under
8 section 3730 of title 31, United States Code, that arises
9 from any underpayment of royalties owed to the United
10 States under any lease shall be treated as royalties paid
11 to the United States under that lease for purposes of the
12 mineral leasing laws and the Land and Water Conserva-
13 tion Fund Act of 1965 (16 U.S.C. 460l–4 et seq.).”.

14 **SEC. 703. SHARED CIVIL PENALTIES.**

15 Section 206 of the Federal Oil and Gas Royalty Man-
16 agement Act of 1982 (30 U.S.C. 1736) is amended—

17 (1) by inserting “trebled royalties or” after “50
18 per centum of any” and before “civil penalty”; and

19 (2) by striking the second sentence.

20 **TITLE VIII-RECLAMATION OF**
21 **ABANDONED COAL MINE SITES**

22 **SEC. 801. AMENDMENTS TO SURFACE MINING ACT.**

23 (a) AMENDMENTS TO SECTION 401.—Section 401
24 of the Surface Mining Control and Reclamation Act of
25 1977 (30 U.S.C. 1231) is amended as follows:

1 (1) In subsection (c) strike paragraphs (2) and
2 (6) and renumber the paragraphs accordingly.

3 (2) In subsection (e), insert before the period in
4 the third sentence the following: “for the purpose of
5 the transfer provided by section 402(h).”.

6 (b) AMENDMENTS TO SECTION 402.—Section 402
7 of the Surface Mining Control and Reclamation Act of
8 1977 (30 U.S.C. 1232) is amended as follows:

9 (1) In subsection (b) by striking “2004” and
10 inserting “2011”.

11 (2) In subsection (g)(1)(D) strike “(2), (3), (4),
12 or”.

13 (3) Subsection (g)(2) is amended to read as fol-
14 lows:

15 “(2) In making the grants referred to in para-
16 graph (1)(C) and the grants referred to in para-
17 graph (5), the Secretary shall insure strict compli-
18 ance by the States and Indian tribes with the prior-
19 ities set forth in section 403(a) until a certification
20 is made under section 411(a).”.

21 (4) In subsection (g)(3)—

22 (A) strike “paragraphs (2) and” and insert
23 “paragraph”; and

24 (B) strike “11” and insert “9”.

1 (5) Subsection (g)(4) is amended to read as fol-
2 lows:

3 “(4)(A) Amounts available in the fund to the
4 Secretary for the purposes set forth under para-
5 graph (3)(C) or to a State or an Indian tribe under
6 paragraphs (1) and (5) are authorized to be ex-
7 pended for the reclamation or drainage abatement of
8 lands and waters which were mined for coal or which
9 were affected by such mining, wastebanks, coal proc-
10 essing or other coal mining processes and left in an
11 inadequate reclamation status if the surface coal
12 mining operation occurred during the period begin-
13 ning on August 4, 1977, and ending on or before the
14 date on which the Secretary approved a State pro-
15 gram pursuant to section 503 for a State in which
16 the site is located, and that any funds for reclama-
17 tion or abatement which are available pursuant to a
18 bond or other form of financial guarantee or from
19 any other source are not sufficient to provide for
20 adequate reclamation or abatement at the site.

21 “(B) In determining which sites to reclaim pur-
22 suant to this paragraph, the Secretary, a State or
23 Indian tribe, as the case may be, shall follow the pri-
24 orities set forth under section 403(a). The Secretary,
25 the State or Indian tribe, as the case may be, shall

1 ensure that priority is given to those sites which are
2 in the immediate vicinity of a residential area or
3 which have an adverse economic impact upon a local
4 community.”.

5 (6) In subsection (g)(5)—

6 (A) strike “40” and insert “60”; and

7 (B) strike “Funds allocated or expended
8 by the Secretary under paragraphs (2), (3), or
9 (4),” and insert “Funds made available under
10 paragraph (3) or (4)”.

11 (7) Subsection (g)(6) is amended to read as fol-
12 lows:

13 “(6)(A) Any State with an approved abandoned
14 mine reclamation program pursuant to section 405
15 may retain, with regard to the 3-year limitation re-
16 ferred to in paragraph (1)(D), up to 10 percent of
17 the total of the grants made annually to such State
18 under paragraphs (1) and (5) if such amounts are
19 deposited into an acid mine drainage abatement and
20 treatment fund established under State law, from
21 which amounts (together with all interest earned on
22 such amounts) are expended by the State for the
23 abatement of the causes and the treatment of the ef-
24 fects of acid mine drainage in a comprehensive man-

1 ner within qualified hydrologic units affected by coal
2 mining practices.

3 “(B) For the purposes of this paragraph, the
4 term ‘qualified hydrologic unit’ means a hydrologic
5 unit—

6 “(i) in which the water quality has been
7 significantly affected by acid mine drainage
8 from coal mining practices in a manner which
9 adversely impacts biological resources; and

10 “(ii) which contains lands and waters
11 which are—

12 “(I) eligible pursuant to section 404
13 and include any of the priorities set forth
14 in section 403(a), or notwithstanding the
15 certification referred to in section 411(a),
16 the priority set forth in section 411(c)(1);
17 and

18 “(II) the subject of expenditures by
19 the State from the forfeiture of bonds re-
20 quired under section 509 or from other
21 States sources to abate and treat acid
22 mine drainage.”.

23 (8) Subsection (g)(7) is amended to read as fol-
24 lows:

1 “(7) In complying with the priorities set forth
2 in section 403(a), any State or Indian tribe may use
3 amounts available in grants made annually to such
4 State or tribe under paragraphs (1) and (5) for the
5 reclamation of eligible lands and waters set forth in
6 section 411(c)(1), notwithstanding the certification
7 referred to in section 411(a), only if the expenditure
8 of funds for such reclamation is done in conjunction
9 with the expenditure of funds to address the prior-
10 ities set forth in section 403(a), or in association
11 with a surface coal mining operation on lands eligi-
12 ble for remining under this Act.”.

13 (9) In subsection (g)(8) insert “or for the rec-
14 lamation of eligible lands and waters set forth in
15 section 411(c)(1)” after “section 403(a)”.

16 (10) In subsection (h)(2)—

17 (A) strike “sum of—” and all that follows
18 through “\$70,000,000” and insert “sum of the
19 amount of interest which the Secretary esti-
20 mates will be earned and paid to the fund dur-
21 ing the fiscal year with such amount used, not-
22 withstanding any other provision of law, to pay
23 the amount of any deficit in net assets in the
24 Combined Fund”; and

25 (B) strike subparagraphs (A) and (B).

1 (11) Strike paragraphs (3) and (4) of sub-
2 section (h).

3 (c) AMENDMENTS TO SECTION 403.—Section 403 of
4 the Surface Mining Control and Reclamation Act of 1977
5 (30 U.S.C. 1233(a)) is amended as follows:

6 (1) In subsection (a)—

7 (A) In paragraph (1) strike “general wel-
8 fare,” and insert “and” after the semicolon.

9 (B) In paragraph (2) strike “health, safe-
10 ty, and general welfare” and insert “health and
11 safety” and insert a period in lieu of the semi-
12 colon at the end.

13 (C) Strike paragraphs (3), (4) and (5).

14 (2) In subsection (b)—

15 (A) Strike “UTILITIES AND OTHER
16 FACILITIES” and insert “WATER SUPPLY
17 RESTORATION”.

18 (B) Strike “(B)” each place it appears in
19 paragraph (2).

20 (3) In subsection (c) insert “, subject to the ap-
21 proval of the Secretary,” after “amendments”.

22 (d) AMENDMENTS TO SECTION 404.—Section 404 of
23 the Surface Mining Control and Reclamation Act of 1977
24 (30 U.S.C. 1234) is amended by striking “section
25 403(b)(1)” and inserting “section 403(b)”.

1 (e) AMENDMENTS TO SECTION 406.—Section 406(i)
2 of the Surface Mining Control and Reclamation Act of
3 1977 (30 U.S.C. 1236(i)) is amended to read as follows:

4 “(i) There is authorized to be appro-
5 priated to the Secretary of Agriculture
6 such sums as may be necessary from
7 amounts other than those made available
8 under this title to carry out provisions of
9 this section.”.

10 (f) AMENDMENTS TO SECTION 408.—Section 408(a)
11 of the Surface Mining Control and Reclamation Act of
12 1977 (30 U.S.C. 1238) is amended by striking “who
13 owned the surface prior to May 2, 1977, and”.

14 (g) AMENDMENTS TO SECTION 409.—Section 409 of
15 the Surface Mining Control and Reclamation Act of 1977
16 (30 U.S.C. 1239) is amended as follows:

17 (1) In subsection (a) strike “at the request of
18 the Governor of any State, or the governing body of
19 an Indian tribe” and insert “a State or Indian tribe,
20 as the case may be”.

21 (2) In subsection (b) strike “paragraphs (1)
22 and (5) of section 402(g)” and insert “section
23 402(g)(1)”.

24 (3) Subsection (c) is amended to read as fol-
25 lows:

1 “(c)(1) In the case of a State or Indian tribe, expend-
2 itures to carry out the purposes of this section may only
3 be made after making a request to, and receiving approval
4 from, the Secretary. Only those reclamation projects which
5 meet the priorities set forth in section 403(a)(1) for lands
6 and waters referenced under section 404 shall be eligible
7 under this section, except that for the purposes of this
8 section the references to coal in section 403(a)(1) and sec-
9 tion 404 shall not apply.

10 “(2) No expenditures shall be made under this sec-
11 tion in those States and tribes certified under section
12 411(a) except in those States and tribes which have not
13 completed the reclamation of eligible lands and waters set
14 forth in section 411(c)(1).”.

15 (h) AMENDMENTS TO SECTION 411.—Section 411 of
16 the Surface Mining Control and Reclamation Act of 1977
17 (30 U.S.C. 1240a) is amended to read as follows:

18 **“SEC. 411. CERTIFICATION.**

19 “(a) CERTIFICATION OF COMPLETION OF HIGH PRI-
20 ORITY COAL RECLAMATION PROJECTS.—(1) Pursuant to
21 the procedures set forth in this subsection, the Governor
22 of a State or the head of a governing body of an Indian
23 tribe with an approved abandoned mine reclamation
24 project under section 405, the Secretary, or the person
25 referred to in paragraph (4) may seek to certify the com-

1 pletion of all reclamation projects relating to the priorities
2 set forth in section 403(a) for eligible lands and water pur-
3 suant to section 404 in such State or tribe.

4 “(2) In the case of a Governor of a State or the head
5 of a governing body of an Indian tribe referred to in para-
6 graph (1), the certification shall be made to the Secretary
7 who, after notice in the Federal Register and opportunity
8 for public comment, shall concur with such certification
9 if the Secretary determines that such certification is cor-
10 rect.

11 “(3) The Secretary may, on his or her own volition,
12 cause the certification referred to in paragraph (1) to be
13 made in any State or tribe referred to in such paragraph
14 if on the basis of the inventory referred to in section
15 403(c) all reclamation projects relating to the priorities
16 set forth in section 403(a) for eligible lands and water pur-
17 suant to section 404 in such State or tribe have been com-
18 pleted. The Secretary shall only make such certification
19 after notice in the Federal Register and opportunity for
20 public comment.

21 “(4) Any person who resides in a State or tribe re-
22 ferred to in paragraph (1) may petition the Secretary to
23 make the certification referred to in paragraph (1). In fil-
24 ing such a petition, such person shall at a minimum pro-
25 vide evidence that all reclamation projects relating to the

1 priorities set forth in section 403(a) for eligible lands and
2 waters pursuant to section 404 have been completed.
3 Upon receipt of a petition under this paragraph, the Sec-
4 retary shall publish a notice in the Federal Register de-
5 scribing the nature of the petition and if, after notice and
6 opportunity for public comment, the Secretary determines
7 there is sufficient reason to make the certification referred
8 to in paragraph (1) the Secretary shall make such certifi-
9 cation.

10 “(b) ELIGIBLE LANDS, WATERS, AND FACILITIES.—
11 After a certification has been made under subsection (a),
12 for the purposes of determining the eligibility of lands and
13 waters for annual grants under section 402(g)(1), eligible
14 lands and waters shall be—

15 “(1) those eligible under section 404 but not
16 otherwise eligible under the priorities set forth in
17 section 403(a); and

18 “(2) upon the completion of all projects eligible
19 under paragraph (1), notwithstanding section 404,
20 eligible lands and waters which were mined or proc-
21 essed for minerals or which were affected by such
22 mining or processing, and abandoned or left in an
23 inadequate reclamation status prior to August 3,
24 1977, and for which there is no continuing reclama-
25 tion responsibility under State or other Federal

1 laws, except that in determining the eligibility under
2 this paragraph of lands and waters under the ad-
3 ministrative jurisdiction of the Forest Service or Bu-
4 reau of Land Management, in lieu of August 3,
5 1977, the applicable date shall be August 28, 1974,
6 and November 26, 1980, respectively.”.

7 “(c) PRIORITIES.—Expenditures of moneys for lands
8 and waters referred to in subsection (b) shall reflect the
9 following objectives and priorities in the order stated—

10 “(1) For the purpose of subsection (b)(1), the
11 restoration of land and water resources and the envi-
12 ronment previously degraded by adverse effects of
13 coal mining practices.

14 “(2) For the purpose of subsection (b)(2)—

15 “(A) the protection of public health, safety,
16 and property from extreme danger of adverse
17 effects of mineral mining and processing prac-
18 tices;

19 “(B) the protection of public health and
20 safety from adverse effects of mineral mining
21 and processing practices; and

22 “(C) the restoration of land and water re-
23 sources and the environment previously de-
24 graded by the adverse effects of mineral mining
25 and processing practices.

1 “(d) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—
2 Sites and areas designated for remedial action pursuant
3 to the Uranium Mill Tailings Radiation Control Act of
4 1978 (42 U.S.C. 7901 and following) or which have been
5 listed for remedial action pursuant to the Comprehensive
6 Environmental Response Compensation and Liability Act
7 of 1980 (42 U.S.C. 9601 and following) shall not be eligi-
8 ble for expenditures from the Fund under this section.

9 “(e) WATER SUPPLY RESTORATION.—Reclamation
10 projects involving the protection, repair, replacement, con-
11 struction, or enhancement of facilities relating to water
12 supply, including water distribution facilities and treat-
13 ment plants, to replace water supplies adversely affected
14 by past mineral mining and processing practices, may be
15 undertaken as they relate to eligible lands and waters
16 under subsection (b)(2).

17 “(f) PUBLIC FACILITIES.—Notwithstanding sub-
18 sections (c) and (e), where the Governor of a State or the
19 head of a governing body of an Indian tribe certified under
20 subsection (a) determines there is a need for the: (1) con-
21 struction of public facilities related to the coal or minerals
22 industry in States or tribe impacted by coal or minerals
23 development, or (2) the protection, repair, replacement,
24 construction, or enhancement of public facilities such as
25 recreation and conservation facilities adversely affected by

1 past coal or minerals mining and processing practices, and
2 the Secretary concurs with such need, then the State or
3 tribe, as the case may be, may use annual grants made
4 available under section 402(g)(1) to carry out such activi-
5 ties or construction.

6 “(g) APPLICATION OF OTHER PROVISIONS.—All pro-
7 visions of this title shall apply to this section, as they may
8 be applicable, except that for purposes of subsection
9 (b)(2), subsection (c) and subsection (e) the references to
10 ‘coal’ in this title shall be deemed to be references to ‘min-
11 erals’ or ‘mineral’.”.

12 (i) AMENDMENTS TO SECTION 413.—Section 413 of
13 the Surface Mining Control and Reclamation Act of 1977
14 (30 U.S.C. 1242) is amended by striking subsection (d)
15 and redesignating subsection (e) as subsection (d).

16 **SEC. 802. PROVISIONS RELATING TO THE IMPLEMENTA-**
17 **TION OF THIS TITLE.**

18 (a) REALLOCATIONS.—(1) Amounts allocated under
19 section 401(g)(2) of the Surface Mining Control and Rec-
20 lamation Act of 1977 (30 U.S.C. 1232(g)(2)) (excluding
21 interest) but not appropriated prior to the date of enact-
22 ment of this Act for the program set forth under section
23 406 shall be available for the purpose described in section
24 402(g)(5) of such Act.

1 (2) Notwithstanding any other provision of law, inter-
2 est credited to the fund established by section 401 of the
3 Surface Mining Control and Reclamation Act of 1977 (30
4 U.S.C. 1231) not transferred to the Combined Fund iden-
5 tified in section 402(h)(2) of such Act prior to the date
6 of enactment of this Act shall be transferred to such Com-
7 bined Fund within 30 days after the enactment of this
8 Act for the purpose set forth in section 402(h)(2) of the
9 Surface Mining Control and Reclamation Act of 1977 (30
10 U.S.C. 1232(h)(2)) as amended by this title.

11 (b) INVENTORY.—(1) Within one year after the date
12 of enactment of this Act, the Secretary shall complete a
13 review of all amendments made by States and Indians
14 tribes since December 31, 1998, to the inventory referred
15 to in section 403(c) of the Surface Mining Control and
16 Reclamation Act of 1977 (30 U.S.C. 1233(c)) to insure
17 that such additions reflect eligible lands and waters pursu-
18 ant to section 404 of such Act meeting the priorities set
19 forth in section 403(a) of such Act, and are correctly iden-
20 tified pursuant to such priorities. In conducting such re-
21 view, any projects found to be included in the inventory
22 pursuant to the general welfare standard set forth in sec-
23 tion 403(a) of such Act prior to the date of enactment
24 of this Act shall be deemed as no longer being eligible
25 under section 403(a) of such Act as amended by this Act

1 and may only be carried out under section 411(c)(1) of
2 such Act.

3 (2) The Inspector General of the Department of the
4 Interior shall evaluate the review undertaken by the Sec-
5 retary under paragraph (1), and together with the Sec-
6 retary, report the results of the review to the Committee
7 on Energy and Natural Resources of the United States
8 Senate and the Committee on Resources of the United
9 States House of Representatives within 60 days after the
10 completion of the review.

11 (3) On an annual basis, the Inspector General of the
12 Department of the Interior shall review any amendments
13 made to the inventory referred to in section 403(c) of the
14 Surface Mining Control and Reclamation Act of 1977 (30
15 U.S.C. 1233(c)) to insure such amendments meet the pri-
16 orities set forth in section 403(a) of such Act.

17 (c) SAVINGS CLAUSE.—Nothing in this title shall be
18 deemed as superseding, amending, modifying or repealing
19 any certification made pursuant to section 411 of the Sur-
20 face Mining Control and Reclamation Act of 1977 (30
21 U.S.C. 1240a) prior to the date of enactment of this Act.

1 **TITLE IX—LAND AND WATER**
2 **CONSERVATION FUND EN-**
3 **HANCEMENT**

4 **SEC. 901. INCREASE IN AUTHORIZED APPROPRIATIONS TO**
5 **FUND.**

6 Section 2(c)(1) of the Land and Water Conservation
7 Fund Act of 1965 (16 U.S.C. 1401–5(c)(1)) is amended—
8 (1) in the last sentence—

9 (A) by striking “1977, and” and inserting
10 “1977,”; and

11 (B) by striking “through September 30,
12 2015.” and inserting “fiscal year 2001, and
13 \$1,800,000,000 for each fiscal year thereafter
14 through fiscal year 2015.”; and

15 **SEC. 902. ALLOCATION OF FUNDS BETWEEN FEDERAL AND**
16 **STATE PURPOSES.**

17 Section 5 of the Land and Water Conservation Fund
18 Act of 1965 (16 U.S.C. 1401–5(c)(1)) is amended to read
19 as follows:

20 “ALLOCATION OF FUNDS

21 “SEC. 5. Of the amounts made available from the
22 fund for each fiscal year—

23 “(1) 50 percent shall be available for Federal
24 purposes; and

1 “(2) 50 percent shall be available for grants to
2 States.”.